THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NOs.19319 and 19417 OF 1999

DATED: 27-04-2007

W.P.No.19319 of 1999:

Between:

K. Balram

.. Petitioner

and

The Labour Court-II, Hyderabad, represented by its Presiding Officer and others.

.. Respondents

W.P.No.19417 of 1999:

Between:

K. Sharnaiah

.. Petitioner

and

The Labour Court-II, Hyderabad, represented by its Presiding Officer and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NOs.19319 and 19417 OF 1999

COMMON ORDER:

In these two writ petitions, though no adjudication is required, the impugned awards passed by the Labour Court need to be restructured insofar as the operative portion is concerned. The operative portion of the awards read as under:-

> "As such taking into consideration the totality of fats and circumstances this Court finds that in the absence of any material made available by the Respondents in support of the defence and objection raised in the counter an adverse inference has got to be drawn against the Respondents by accepting the plea of the petitioner that he worked for the requisite period to claim the benefits of the provisions of I.D. Act. Therefore the petitioner is entitled to get reinstatement with continuity of service only by setting aside the termination. Thus the point is found accordingly.
>
> In the result, the I.D. is allowed declaring the petitioner as entitled to be reinstated as a fresh candidate by the respondents within 30 days from the date of the publication of the Award with continuity of service only but without any other benefits like backwages etc. Award is passed accordingly."

According to the learned counsel for the petitioners in both the writ petitions, the relief granted by the Labour Court is inconsistent with the findings reached by it. The Labour Court, having held that the petitioner is entitled to get reinstatement with continuity of service by

setting aside the termination, in the operative portion, as noticed above, held that the petitioner is entitled to be reinstated as a fresh candidate by the respondents within 30 days from the date of the publication of the Award with continuity of service only, but without any other benefits like backwages etc. This has created a doubt in the mind of the management as a consequence of which the petitioners were reinstated as fresh candidates, ignoring the rest of the award granting the relief of continuity of service.

In view of the above, the operative portion of the award in both the I.Ds. shall read as under:

"In the result, the I.D. is allowed declaring that the petitioner is entitled to be reinstated into service with continuity of service, but without any back wages or other attendant benefits."

With the above clarification, both the writ petitions are disposed of. There shall be no order as to costs.

C.V. RAMULU, J

27th April, 2007.
IBL